

ORIGINAL

USDC SDNY DOCUMENT ELECTRONICALLY FILED FILED: DATE FILED: NOV 29 2018
--

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - x

UNITED STATES OF AMERICA

- v. -

YOUSSOUF FOFANA,

Defendant.

- - - - - x

COUNT ONE

(Narcotics Conspiracy on Board United States Aircraft)

The Grand Jury charges:

1. From at least in or about October 2017, up to and including in or about October 2018, in an offense begun and committed out of the jurisdiction of any particular state or district, YOUSSOUF FOFANA, the defendant, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, and whose point of entry into the United States is expected to be the Southern District of New York, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that YOUSSOUF FOFANA, the defendant, and others known and unknown, would and did, on board an aircraft owned by a United States citizen and registered in the United States, distribute,

and possess with intent to distribute, a controlled substance, in violation of Title 21, United States Code, Sections 812, 959(c), and 960(a)(3).

3. The controlled substance that the defendant conspired to distribute and possess with intent to distribute involved in the offense was five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Section 960(b)(1)(B). (Title 21, United States Code, Sections 959(c), 959(d), and 963; Title 18, United States Code, Section 3238.)

COUNT TWO  
(Narcotics Distribution on Board United States Aircraft)

The Grand Jury further charges:

4. In or about October 2018, in an offense begun and committed out of the jurisdiction of any particular state or district, YOUSSEUF FOFANA, the defendant, who is expected to be first brought to and arrested in the Southern District of New York, on board an aircraft owned by a United States citizen and registered in the United States, distributed and possessed with intent to distribute, and aided and abetted the distribution and possession with intent to distribute of, five kilograms and more

of mixtures and substances containing a detectable amount of cocaine.

(Title 21, United States Code, Sections 812, 959(c), 960(a)(3), and 960(b)(1)(B); Title 18, United States Code, Sections 3238 and 2.)

**COUNT THREE**  
**(Firearms Conspiracy)**

The Grand Jury further charges:

5. From at least in or about October 2017, up to and including in or about October 2018, in an offense begun and committed out of the jurisdiction of any particular state or district, YOUSSEUF FOFANA, the defendant, and others known and unknown, at least one of whom is expected to be first brought to and arrested in the Southern District of New York, intentionally and knowingly combined, conspired, confederated, and agreed together and with each other to commit an offense under Title 18, United States Code, Section 924(c).

6. It was a part and an object of the conspiracy that YOUSSEUF FOFANA, the defendant, and others known and unknown, during and in relation to a drug-trafficking crime for which they may be prosecuted in a court of the United States, namely, the drug-trafficking crimes charged in Counts One and Two of this Indictment, would and did knowingly use and carry firearms, including destructive devices and machineguns, and, in furtherance of such crimes, would and did knowingly possess such

firearms, to wit, FOFANA and others agreed to acquire and possess assault rifles, surface-to-air missiles, and other firearms, in furtherance of the crimes charged in Counts One and Two of this Indictment.

(Title 18, United States Code, Sections 924(c)(1)(A), 924(c)(1)(B)(ii), 924(o), and 3238.)

FORFEITURE ALLEGATION

7. As a result of committing the offenses alleged in Counts One and Two of this Indictment, YOUSOUF FOFANA, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offenses, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offenses and the following specific property:

a. One Gulfstream GIIIB Airplane with Tail  
Number N4NR.

8. As a result of committing the offense alleged in Count Three of this Indictment, YOUSOUF FOFANA, the defendant, shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States

Code, Section 2461(c), any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

Substitute Assets Provision

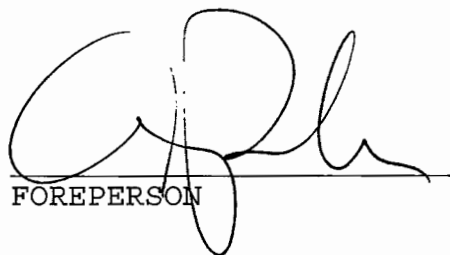
9. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
- or
- e. has been commingled with other property which cannot be subdivided without difficulty,

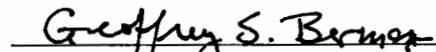
it is the intent of the United States, pursuant to Title 21, United States Code, Sections 853(p), to seek forfeiture of any other property of the defendant up to the value of the

above-described forfeitable property.

(Title 18, United States Code, Section 981; Title 21, United States Code, Section 853; Title 28, United States Code, Section 2461.)



FOREPERSON



GEOFFREY S. BERMAN  
United States Attorney

---

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA

- v. -

YOUSOUF FOFANA,

Defendant.

---

SUPERSEDING INDICTMENT

S2 18 Cr. 601 (PGG)

(21 U.S.C. §§ 959, 960, and 963;  
18 U.S.C. §§ 2, 924, and 3238.)

GEOFFREY S. BERMAN

United States Attorney.

A TRUE BILL



Foreperson.

11/29/18

Filed Indictment  
Arrest warrant issued

USMJ Fox MQ